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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,416

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Matthew M Terry

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07/07/2010

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EXAMINER

JOHNSON, STEPHEN

ART UNIT

PAPER NUMBER

3641

MAIL DATE

DELIVERY MODE

07/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 3641

1. This Office action is in response to the amendment as filed on 5/11/2010 and BPAI Decision of 3/11/2010. Claims 2-25 and 27-38 are active in this application and an action on these claims follows. Claims 1 and 26 have been cancelled.

2. This application is in condition for allowance except for the following formal matters:

a) The amendment filed 10/13/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In the insertion on page 6, lines 18-14, addition of the phrase “or any combination thereof” is unsupported by the application as originally filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

b) Applicant’s arguments are addressed as follows. It is argued that reference to the phrase “combinations and sub-combinations as discussed through out this document” provides support for this language. In response, this is not the same as “any combination thereof”. In fact the terminology “any combination thereof” would include the terminology combinations and sub-combinations as disclosed throughout as well as other potential combinations not disclosed within the specification as originally filed. With regard to the issue that addition of the phrase “one or a plurality of the listed materials/layers” somehow makes the addition of this added descriptive language appropriate, this is not understood and not convincing.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm’r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Art Unit: 3641

3. Claims 2-25 and 27-38 are allowed.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

/Stephen M. Johnson/
Primary Examiner, Art Unit 3641

SMJ
July 2, 2010